

REMARKS

The Examiner objected to claims 10 and 14 citing minor typographical errors and clarity issues. The Examiner also rejected claims 1 and 14 under 35 U.S.C. § 112 noting antecedent basis issues. In response, Applicants have amended claims 1, 10, and 14 to address the Examiner's concerns. In addition, dependent claims 11 and 13 have been amended to ensure that their language comports with the language of amended claim 10, and claims 16 and 21 have been amended to correct minor typographical errors not noted by the Examiner. No new matter has been added, and all amendments are fully supported by the specification as-filed. As such, Applicants respectfully request the Examiner withdraw both the objections to the claims and the rejections under § 112.

The Examiner rejected claims 1, 3-11, 13, and 16-23 under 35 U.S.C. § 103(a) as being unpatentable over Bjelland in view of Daly. Applicants respectfully traverse.

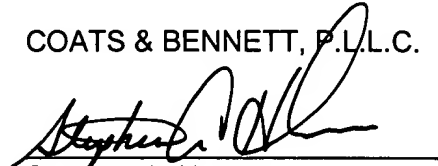
Applicants first note that the present application has a filing date of December 29, 2000. As this filing date is after Nov. 29, 1999, the provisions of §103(c) that disqualify certain otherwise available art apply to this application. Applicants also note that the patent to Bjelland is based on an application filed on July 11, 2001, and claims priority from a provisional application filed on July 12, 2000. Thus, the only way that Bjelland can qualify as prior art is under §102(e). However, §103(c) disqualifies such §102(e) art for purposes of §103 rejections if the "subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person," 35 U.S.C. §103(c); *see also*, MPEP § 706.02(l)(1).

The patent to Bjelland appears on its face to be owned by Telefonaktiebolaget LM Ericsson of Sweden. As proof, Applicants enclose a copy of the Patent Assignment Abstract of Title. The instant application is also assigned to Telefonaktiebolaget LM Ericsson of Sweden. The Examiner's attention is directed to reel 011414, frame 0370 of the PTO assignment records. Because both the patent to Bjelland and the claimed invention were commonly owned

or were subject to an obligation of assignment to Telefonaktiebolaget LM Ericsson at the time the invention was made, any §103 rejection based on Bjelland must fail. Accordingly, Applicants respectfully request the allowance of claim 1-23.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

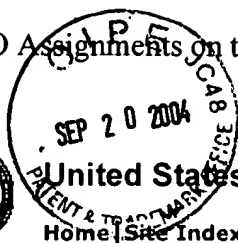


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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 09903364 Filing Dt: 07/11/2001

Publication #: US20020034935 Pub Dt: 03/21/2002

Inventors: Frode Bjelland, Niclas Carlsson, Christian Groves

Title: Communication protocols in networks having split control planes and user planes

Assignment: 1

Reel/Frame: 012667/0524

Recorded: 02/25/2002

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 11/09/2001

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Exec Dt: 11/19/2001

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